

CLOSED,STAYED,TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:12-cv-00891-RBW**

SMITHWICK &BELENDIUK, P.C. v. FEDERAL
COMMUNICATIONS COMMISSION
Assigned to: Judge Reggie B. Walton
Cause: 05:552 Freedom of Information Act

Date Filed: 06/04/2012
Date Terminated: 02/19/2013
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

SMITHWICK &BELENDIUK, P.C.

represented by **Arthur V. Belendiuk**
SMITHWICK &BELENDIUK
301
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(202) 363-4559
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ATTORNEY TO BE NOTICED

V.

Defendant

**FEDERAL COMMUNICATIONS
COMMISSION**

represented by **Rhonda Lisa Campbell**
U.S. DEPARTMENT OF JUSTICE
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LEAD ATTORNEY
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V.

Intervenor Defendant

CELLCO PARTNERSHIP
doing business as
VERIZON WIRELESS

represented by **Brendan J. Morrissey**
WILEY REIN LLP
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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06/04/2012	<u>1</u>	COMPLAINT against FEDERAL COMMUNICATIONS COMMISSION (Filing fee \$ 350, receipt number 4616048758) filed by SMITHWICK &BELENDIUK, P.C. (Attachments: # <u>1</u> Civil Cover Sheet)(dr) (Entered: 06/05/2012)
06/04/2012		SUMMONS (3) Issued as to FEDERAL COMMUNICATIONS COMMISSION, U.S. Attorney and U.S. Attorney General (dr) (Entered: 06/05/2012)
06/04/2012	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by SMITHWICK &BELENDIUK, P.C. identifying Corporate Parent NONE for SMITHWICK &BELENDIUK, P.C.. (dr) (Entered: 06/05/2012)
06/19/2012	<u>3</u>	NOTICE of Appearance by Rhonda Lisa Campbell on behalf of FEDERAL COMMUNICATIONS COMMISSION (Campbell, Rhonda) (Entered: 06/19/2012)
06/25/2012	<u>4</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by FEDERAL COMMUNICATIONS COMMISSION (Campbell, Rhonda) (Entered: 06/25/2012)
06/25/2012		MINUTE ORDER granting <u>4</u> Motion for Extension of Time to Answer. For good cause shown, it is ORDERED that the Defendant's Unopposed Motion for an Extension of Time is GRANTED. It is further ORDERED that the defendant shall respond to the plaintiff's complaint on or before August 13, 2012. Signed by Judge Reggie B. Walton on 6-25-12. (lcrbw3,) (Entered: 06/25/2012)
06/26/2012		Set/Reset Deadlines: Answer or respond to complaint by 8/13/2012, (mpt) (Entered: 06/26/2012)
07/13/2012	<u>5</u>	CERTIFICATE OF SERVICE by SMITHWICK &BELENDIUK, P.C. . (Belendiuk, Arthur) (Entered: 07/13/2012)
07/13/2012	<u>6</u>	CERTIFICATE OF SERVICE by SMITHWICK &BELENDIUK, P.C. . (Belendiuk, Arthur) (Entered: 07/13/2012)
07/13/2012	<u>7</u>	CERTIFICATE OF SERVICE by SMITHWICK &BELENDIUK, P.C. . (Belendiuk, Arthur) (Entered: 07/13/2012)
08/08/2012	<u>8</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by FEDERAL COMMUNICATIONS COMMISSION (Campbell, Rhonda) (Entered: 08/08/2012)
08/09/2012		MINUTE ORDER granting <u>8</u> Motion for Extension of Time to Answer. For good cause shown, it is ORDERED that the Defendant's Unopposed Motion for an Extension of Time is GRANTED. It is further ORDERED that the defendant shall respond to the plaintiff's complaint on or before September 7, 2012. Signed by Judge Reggie B. Walton on 8-9-12. (lcrbw3,) (Entered: 08/09/2012)
08/14/2012		Set/Reset Deadlines: Answer or respond to complaint by 9/7/2012, (mpt) (Entered: 08/14/2012)
09/04/2012	<u>9</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by FEDERAL COMMUNICATIONS COMMISSION (Campbell, Rhonda) (Entered: 09/04/2012)
09/05/2012		MINUTE ORDER granting <u>9</u> Motion for Extension of Time to Answer. For good cause shown, it is ORDERED that the Defendant's Unopposed Motion for an Extension of Time is GRANTED. It is further ORDERED that the defendant shall respond to the plaintiff's complaint on or before September 25, 2012. Signed by Judge Reggie B. Walton on 9-5-12. (lcrbw3,) (Entered: 09/05/2012)
09/05/2012		Set/Reset Deadlines: Answer or respond to complaint by 9/25/2012, (mpt) (Entered: 09/05/2012)
09/21/2012	<u>10</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>or otherwise respond to the Complaint</i> by FEDERAL COMMUNICATIONS COMMISSION (Campbell, Rhonda) (Entered: 09/21/2012)
09/24/2012		MINUTE ORDER granting <u>10</u> Motion for Extension of Time to Answer. For good cause shown, it is ORDERED that the Defendant's Unopposed Motion for an Extension of Time is GRANTED. It is further ORDERED that the defendant shall respond to the plaintiff's complaint on or before October 12, 2012. Signed by Judge

		Reggie B. Walton on 9-24-12. (lcrbw3) (Entered: 09/24/2012)
09/27/2012		Set/Reset Deadlines: Answer or respond to complaint by 10/12/2012, (mpt) (Entered: 09/27/2012)
10/12/2012	<u>11</u>	MOTION for Summary Judgment by FEDERAL COMMUNICATIONS COMMISSION (Attachments: # <u>1</u> Exhibit 1-6, # <u>2</u> Exhibit 7-12, # <u>3</u> Exhibit 13, # <u>4</u> Declaration Hindman Declaration)(Campbell, Rhonda) (Entered: 10/12/2012)
10/12/2012	<u>12</u>	MOTION to Intervene by CELLCO PARTNERSHIP (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Proposed Answer, # <u>4</u> Proposed Corporate Disclosure Statement, # <u>5</u> Proposed Motion for Summary Judgment)(rdj) (Entered: 10/15/2012)
10/18/2012	<u>13</u>	Consent MOTION for Extension of Time to File Response/Reply to <i>FCC Motion for Summary Judgment</i> by SMITHWICK & BELENDIUK, P.C. (Belendiuk, Arthur) (Entered: 10/18/2012)
10/18/2012		MINUTE ORDER granting <u>13</u> Motion for Extension of Time to File Response/Reply. For good cause shown, it is ORDERED that the Plaintiff's Unopposed Motion for an Extension of Time is GRANTED. It is further ORDERED that the plaintiff shall file a memorandum in opposition to the defendant's motion for summary judgment on or before November 30, 2012. Signed by Judge Reggie B. Walton on 10-18-12. (lcrbw3) (Entered: 10/18/2012)
10/19/2012		Set/Reset Deadlines: Memorandum in Opposition due by 11/30/2012 (mpt,) (Entered: 10/19/2012)
11/08/2012	<u>14</u>	REPLY to opposition to motion re <u>12</u> MOTION to Intervene filed by CELLCO PARTNERSHIP. (Morrissey, Brendan) (Entered: 11/08/2012)
11/30/2012	<u>15</u>	Memorandum in opposition to re <u>11</u> MOTION for Summary Judgment <i>Brief in Opposition</i> filed by SMITHWICK & BELENDIUK, P.C.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Belendiuk, Arthur) (Entered: 11/30/2012)
12/03/2012		MINUTE ORDER granting <u>12</u> Motion to Intervene. The Court having considered the Motion to Intervene of Cellco Partnership d/b/a Verizon Wireless, and there being no timely opposition thereto, it is ORDERED that the motion is GRANTED as conceded pursuant to Local Rule of Civil Procedure 7(b). It is further ORDERED that the proposed Answer and Motion for Summary Judgment submitted with that motion are deemed filed and served as of the date of this Order. Signed by Judge Reggie B. Walton on 12-3-12. (lcrbw3) (Entered: 12/03/2012)
12/03/2012	<u>16</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>11</u> MOTION for Summary Judgment by FEDERAL COMMUNICATIONS COMMISSION (Campbell, Rhonda) (Entered: 12/03/2012)
12/03/2012	<u>17</u>	ANSWER to <u>1</u> Complaint by CELLCO PARTNERSHIP.(td,) (Entered: 12/03/2012)
12/03/2012	<u>18</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CELLCO PARTNERSHIP identifying Corporate Parent VODAFONE GROUP PLC, Corporate Parent VERIZON COMMUNICATIONS INC. for CELLCO PARTNERSHIP. (td,) (Entered: 12/03/2012)
12/03/2012	<u>19</u>	MOTION for Summary Judgment by CELLCO PARTNERSHIP (td,) (Entered: 12/03/2012)
12/04/2012		MINUTE ORDER granting <u>16</u> Motion for Extension of Time to File Response/Reply. For good cause shown, it is ORDERED that the Defendant's Unopposed Motion for an Extension of Time is GRANTED. It is further ORDERED that the defendant shall file a reply in support of its motion for summary judgment on or before January 15, 2013. Signed by Judge Reggie B. Walton on 12-4-12. (lcrbw3) (Entered: 12/04/2012)
12/04/2012		Set/Reset Deadlines: Reply due by 1/15/2013. (mpt,) (Entered: 12/04/2012)
12/06/2012	<u>20</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION for Summary Judgment by CELLCO PARTNERSHIP (Morrissey,

		Brendan) (Entered: 12/06/2012)
12/06/2012		MINUTE ORDER granting <u>20</u> Motion for Extension of Time to File Response/Reply. For good cause shown, it is ORDERED that the Intervenor–Defendant's Unopposed Motion for an Extension of Time is GRANTED. It is further ORDERED that the Intervenor–Defendant shall file its reply brief on or before January 15, 2013. Signed by Judge Reggie B. Walton on 12–6–12. (lcrbw3) (Entered: 12/06/2012)
12/07/2012		Set/Reset Deadlines: Reply brief due by 1/15/2013. (mpt,) (Entered: 12/07/2012)
12/21/2012	<u>21</u>	MOTION to Amend/Correct <i>Complaint</i> by SMITHWICK &BELENDIUK, P.C. (Attachments: # <u>1</u> Amended Complaint)(Belendiuk, Arthur) (Entered: 12/21/2012)
01/10/2013	<u>22</u>	NOTICE of Appearance by Joshua S. Turner on behalf of CELLCO PARTNERSHIP (Turner, Joshua) (Entered: 01/10/2013)
01/10/2013		MINUTE ORDER denying <u>11</u> Motion for Summary Judgment; denying <u>19</u> Motion for Summary Judgment; granting <u>21</u> Motion to Amend/Correct. The Court having considered the plaintiff's Motion for Leave to File Amended Complaint, and there being no timely opposition thereto, it is ORDERED that the motion is GRANTED as conceded pursuant to Local Rule of Civil Procedure 7(b). The Clerk shall docket the proposed amended complaint attached as an exhibit to the plaintiff's motion. It is further ORDERED that, in light of the filing of the amended complaint, the pending motions for summary judgment are DENIED without prejudice as moot. Signed by Judge Reggie B. Walton on 1–10–2013. (lcrbw3) (Entered: 01/10/2013)
01/10/2013	<u>23</u>	AMENDED COMPLAINT against CELLCO PARTNERSHIP, FEDERAL COMMUNICATIONS COMMISSION filed by SMITHWICK &BELENDIUK, P.C..(td,) (Entered: 01/11/2013)
01/23/2013	<u>24</u>	<i>Defendant Federal Communications Commission</i> ANSWER to <u>23</u> Amended Complaint by FEDERAL COMMUNICATIONS COMMISSION. Related document: <u>23</u> Amended Complaint filed by SMITHWICK &BELENDIUK, P.C..(Campbell, Rhonda) (Entered: 01/23/2013)
01/23/2013	<u>25</u>	Joint MOTION for Briefing Schedule by FEDERAL COMMUNICATIONS COMMISSION (Campbell, Rhonda) (Entered: 01/23/2013)
01/23/2013	<u>26</u>	ANSWER to <u>23</u> Amended Complaint by CELLCO PARTNERSHIP. Related document: <u>23</u> Amended Complaint filed by SMITHWICK &BELENDIUK, P.C..(Turner, Joshua) (Entered: 01/23/2013)
01/24/2013		MINUTE ORDER granting <u>25</u> Motion for Briefing Schedule. For good cause shown, it is ORDERED that the parties' Joint Motion for a Proposed Briefing Schedule is GRANTED. It is further ORDERED that this case shall proceed as follows: (1) the defendants shall file their motions for summary judgment on or before February 25, 2013; (2) the plaintiff shall file its consolidated opposition to the defendants' motions and cross–motion for summary judgment on or before March 26, 2013; (3) the defendants shall file their consolidated replies in support of their motions for summary judgment and oppositions to the plaintiff's cross–motion for summary judgment on or before April 10, 2013; and (4) the plaintiff shall file its reply in support of its cross–motion for summary judgment on or before May 1, 2013. It is further ORDERED that the defendants shall coordinate their briefing efforts to ensure that their summary judgment briefs are not repetitive. If deemed appropriate, the defendants may, but are not required to, submit their briefs together in consolidated filings rather than separate filings. Signed by Judge Reggie B. Walton on 1–24–13. (lcrbw3) (Entered: 01/24/2013)
01/25/2013		Set/Reset Deadlines: Motion for Summary Judgment due by 2/25/13; Opposition to Motion and Cross Motion due by 3/26/13; Reply to Opposition and Opposition to Cross Motion due by 4/10/13; Reply to Cross Motion due by 5/1/13(mpt,) (Entered: 01/25/2013)
02/15/2013	<u>27</u>	Joint MOTION to Stay <i>Proceedings</i> by FEDERAL COMMUNICATIONS COMMISSION (Campbell, Rhonda) (Entered: 02/15/2013)

02/19/2013		MINUTE ORDER granting <u>27</u> Motion to Stay. For good cause shown, it is ORDERED that the parties' Joint Motion to Stay Proceedings is GRANTED. It is further ORDERED that this case is STAYED and ADMINISTRATIVELY CLOSED pending further Order of the Court. It is further ORDERED that the parties shall file a status report on or before March 19, 2013, and every 30 days thereafter, apprising the Court of whether the stay should be lifted. Signed by Judge Reggie B. Walton on 2-19-2013. (lcrbw3) (Entered: 02/19/2013)
02/19/2013		Set/Reset Deadlines: Status Report due by 3/19/2013. (tg,) (Entered: 02/19/2013)
02/19/2013		Case Stayed. (tg,) (Entered: 02/19/2013)